

Outreach

Summer 2003

Section 8 Complaints Part of Division's Focus on Housing Discrimination Cases

The discrimination complaints filed by the Division on Civil Rights against realty companies in Atlantic and Essex counties, and apartment complex owners in Hunterdon and Passaic, are the latest example of the aggressive approach taken by the Division to combat housing discrimination in New Jersey.

Attorney General Peter C. Harvey joined Division Director J. Frank Vespa-Papaleo at a June 23 news conference in Trenton to announce the complaints, which charged four defendants with refusing to rent or show apartments to applicants with Section 8 rental vouchers.

The Section 8 Rental Assistance Program is administered by the Department of Housing & Urban Development (HUD) and enables lower-income families to obtain decent and affordable places to live. Under the program, tenants who receive Section 8 vouchers pay only a portion of their monthly rent; the remainder is paid directly to the landlord by a local public housing authority under contract to HUD.

Last year, Governor James E. McGreevey signed legislation

amending the New Jersey Law Against Discrimination (LAD) to prohibit housing discrimination based on the source of lawful income a tenant or purchaser uses for rent or mortgage payments.

More recently, Attorney General Harvey and Director Vespa-Papaleo issued a legal memorandum to real estate agents, brokers and owners of real property in New Jersey notifying them of their obligation to comply with the law. The memorandum also informs prospective tenants of their rights under the state's Law Against Discrimination (LAD).

When the Section 8 complaints were announced, Attorney General Harvey said: "Finding clean, safe and afford-



Attorney General Peter C. Harvey (left) and Division Director J. Frank Vespa-Papaleo announcing the filing of housing discrimination complaints against realty companies and apartment complexes in New Jersey.

able housing is difficult enough. When real estate agents, apartment managers or owners of housing complexes willfully flaunt the law, and engage in overt discrimination, the State must and will take action." ▼

Inside Outreach

- Outreach Program Targets Asian and Pacific-Americans **2**
- DCR Assisting State Office of Bias Crime and Community Relations with Training and Outreach to Support State's "Anti-Bullying Campaign" in Schools **3**
- Victims of Race Discrimination to Receive Payments from \$25,000 Settlement with Nutley Swim Club **4**
- Division Offices Equipped To Serve the Deaf and Hard of Hearing **5**
- Division Opens Jersey City Office/ Fact Sheets Now Available in Arabic **5**
- Orders To Show Cause Filed Against 163 Landlords **6**
- U.S. Civil Rights Commission Hears Presentation from Division **6**
- U.S. Supreme Court Upholds NJ's Position in Michigan Affirmative Action Case **7**
- Division on Civil Rights Offices & Contact Information **8**



From the Desk of the Director Outreach Program Targets Asian and Pacific-Americans



*By J. Frank
Vespa-Papaleo*

Of the 1,177 new discrimination complaints filed with the Division on Civil Rights in

2002, only 14 or 1.2 percent were filed by Asian-Americans and Pacific-Americans living in New Jersey.

Considering that Asians comprise almost six percent of the state's population, the relatively low number of complaints is a concern to both Attorney General Peter C. Harvey and myself. It may be an indication that some residents of New Jersey's Asian communities are not fully aware of the state anti-discrimination laws we enforce, or of their rights against disparate treatment and harassment in the workplace, places of public accommodation and housing.

In response, the Division has taken several measures to raise public awareness as part of its new four point "Asian Outreach Initiative." The plan includes:

■ *Make Division More Accessible to Asian and Pacific Americans*

Some Asian-American residents have reported that certain cultural differences and language barriers may be impeding the Division's ability to communicate its work to ethnically diverse communities around the state. To ensure that information on Division policies and practices are reaching these communities, we will start printing and distributing informational materials explaining the laws against discrimination and how to file complaints

in various languages including Korean, Tagalog and Farsi.

■ *Expand Outreach at Community and Cultural-Oriented Events*

In 2003, Community Relations and Training personnel from the Division's Bureau of Prevention and Community Relations will establish information booths and exhibits at more than 10 cultural and community-oriented events around the state, including the Organization of Chinese American's 25th Anniversary event in December and the Philippine Fiesta 2003 on August 16 and 17. More than 20,000 visitors are expected to attend this annual trade show and cultural festival held at the Meadowlands Exposition Center in Secaucus.

The Division will also continue to welcome appearances on Asian-American radio programs, such as *Radio Pinoy*, which feature programming designed to educate listeners about a variety of government services.

■ *Appoint Outreach Coordinators to Asian Communities*

I have asked Emmanuel Motomal, who works in the Division's Bureau of Prevention and Community Relations, and Deputy Attorney General Jacqueline Pham, to serve as Outreach Coordinators to the state's Asian-American community. In addition to working with Asian communities on legal issues, they will speak to community groups and organizations about the work of the Division and assist Asian business owners and attorneys with the processing of requests for training.

■ *Working With The State's Asian-American and Pacific-American Leaders to Improve Communications*

This fall we will officially kick off the Division's "Asian Outreach Initiative" when we convene a meeting of prominent Asian-American and Pacific-American business, legal, government and community leaders to enlist their help in developing strategies to improve our outreach and communication to this segment of our society.

Some of the leaders who have already agreed to serve on a planning committee for the event are: State Assemblyman Upendra Chivukula; Bergenfield Mayor and Asian American Commission Chairman Robert Rivas; Asian Americans for Equality Executive Director Christopher Kui; New Jersey Organization of Chinese Americans President Mamie Lau; and, business owner and New Jersey Civil Rights Commission Member Kun Y. Lee.

One specific area we will examine is the feasibility of linking the Division's Web site to organizations in the state and region that serve Asian and Pacific-American communities and support civil rights.

Attorney General Harvey and I are deeply committed to exploring how the Division can more effectively open its doors to this community – to Asian employees, business owners, housing providers and users of places of public accommodations. These collective efforts are the initial steps of a broad, statewide action plan to raise public awareness. Our hope is that by sharing information and combining the resources of public and private organizations, we can achieve our goal of ensuring that all New Jerseyans are aware of their rights and protected from unlawful discrimination and harassment. ▼

DCR Assisting State Office of Bias Crime and Community Relations with Training and Outreach to Support State's "Anti-Bullying Campaign" in Schools



The Division on Civil Rights will be de-veloping some of the training which teachers, youth counselors, educators and administrators in New Jersey schools will receive this year on "bias-based bullying," and how to address it.

The Division is part of a partnership of public and private agencies participating in the State's "New Jersey Cares About Bullying" campaign which seeks to raise awareness about bullying behavior and help establish comprehensive, effective anti-bullying programs in schools and communities. The lead state agencies on the campaign are the Office of Bias Crime and Community Relations, the state Department of Education and the New Jersey Human Relations Council.

By September 1, each of the State's 593 active school districts are required by law to establish anti-bullying policies with consequences for behavior and support for victims. In developing these policies, school officials will be trained on the specifics of the law, the appropriate authorities to contact based on factual information, and options parents can consider when their child has been a target for bullying.

The new school policies are the result of legislation signed into law (Anti-Bullying Law, N.J.S.A. 18A: 37-13) last year by Governor James E. McGreevey, which supports ongoing violence prevention strategies in schools.

According to Randy Ross of the State's Office of Bias Crime and Community Relations, the anti-bullying legislation signed by the Governor identifies biased-based bullying as a focus of concern.

"Bias-based bullying follows the bullying dynamic of hurtful physical and /or verbal behavior based on a power imbalance and directed at one or more targets," said Ross, who is coordinator of the "New Jersey Cares About Bullying" campaign. "It has an added dimension – it is motivated by bias because of differences of race, color, religion, ethnicity, gender, sexual orientation, or disability. Given that gay-bashing language and behavior is so widespread in today's schools, the specific mention of sexual orientation in this law is critical."

Division on Civil Rights Director J. Frank Vespa-Papaleo said one of the objectives of the Division's participation in the training is to ensure that both parents and educators understand the State's Law Against Discrimination, and can file a complaint if a particular incident appears to violate the law.

"There may be an incident at a school in which the behavior in question does not meet the bias crime statute (Bias Intimidation Act, N.J.S.A. 2C:16-1), but could constitute a violation of someone's civil rights under the state's anti-discrimination law," said Director Vespa-Papaleo. "In those cases, we want educators, parents and other authorities to know the legal options. And if a case is referred to our office, we will thoroughly investigate."

Director Vespa-Papaleo said the Division is pursuing several bias-based bullying cases in school districts around the state. Anyone interested in receiving training on bullying or other discrimination and harassment issues may contact the Division's Bureau of Prevention and Community Relations at 609-292-2918. ▼



On hand for the March 17 announcement of the "New Jersey Cares About Bullying" public education campaign were (from right) Jiles Ship of the Division of Criminal Justice, Erika Harold, Miss America 2003, Director Vespa-Papaleo and Dr. Joan Rivitz of the Commission on Civil Rights.



2003 Commission on Civil Rights



Left. Dr. Joan Rivitz (third from left) and John Crowell Campbell (far right) were sworn in as new members of the New Jersey Commission on Civil Rights in June. On hand for the ceremony were Director Vespa-Papaleo, Commissioner Kun Y. Lee, Commission Chairman Felton Lingo, Sr. and Commissioner Sherine El-Abd.

Below. Assistant Director Gary LoCassio and Deputy Attorney General Donna Arons successfully mediated a discrimination complaint against a New Jersey swim club.

Victims of Race Discrimination to Receive Payments from \$25,000 Settlement with Nutley Swim Club

In a case that harkens to the early days of the modern civil rights movement, Deputy Attorney General Donna Arons of the Public Utilities and Civil Rights Section of the Division of Law, and Gary LoCassio, Assistant Director of the Division on Civil Rights' Bureau of Enforcement, last month successfully mediated a civil rights complaint with an agreement for comprehensive prospective relief and \$25,000 of payments in lieu of penalties.

The complaint against Le Terrace Swim Club of Nutley was filed after a white member of the club reported that, after she made a reservation for her daughter's birthday party, she was asked whether any of the invited guests were black or brown-skinned. When she answered in the affirmative, she was told that her guest list conflicted with the club's policy because it was a "European" club. Management subsequently cancelled her club membership.

Individuals who demonstrated they had been victims of racial discrimination at Le Terrace will receive a portion of the \$25,000 settlement reached in April through the Division.

Given the serious and egregious nature of the case, Division on Civil Rights Director J. Frank Vespa-Papaleo determined that the matter should be pursued as a Director's complaint. As a result, the case was referred to mediation where both prospective and monetary relief was sought.

Given the serious and egregious nature of the case, it was pursued as a Director's complaint.

When the settlement agreement was announced in April, Attorney General Peter C. Harvey said: "Every New Jerseyan deserves to live a life free of discrimination and harassment. We will continue to enforce the law to make that ideal a consistent reality. The terms of this agreement should serve notice of our commitment to equal treatment to those who own or operate places of public accommodation in New Jersey."

Under the settlement, owners of Le Terrace must establish a written anti-



discrimination policy, post the Division's "public accommodation" poster in various locations within the club, distribute the Division's publications to club members and place monthly advertisements for new members in a major daily newspaper.

In addition to monitoring the swim club's membership application process for a two-year period, the Division will investigate any applications in which it appears that a rejection was based on an unlawful consideration. If Le Terrace is sold, which now appears likely, the Division will monitor the business practices of the new owners to ensure that they are conducted in a non-discriminatory manner.

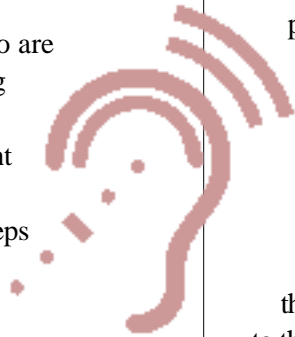
The settlement terms establish a precedent for how the Division will proceed with future similar cases of public accommodation discrimination. ▼

Editor's Note: Portions of this article originally appeared in the May 23, 2003 issue of *The Law's Leaders*.

Division Offices Equipped To Serve the Deaf and Hard of Hearing

State officials estimate that approximately 720,000 people with some type of hearing loss reside in New Jersey.

Mindful that people who are deaf and hard of hearing can sometimes feel isolated from government services, the Division on Civil Rights has taken steps to equip all of its offices with assisted listening devices and TTYs. In doing so, the Division assures communications access for residents with hearing loss who need to obtain information, and if necessary, file complaints.



Each of the Division's five regional offices in Atlantic City, Camden, Paterson, Newark and Trenton are currently equipped assisted listening devices and TTYs (Telephone Typewriter) which allow the deaf or hard of hearing to communicate by phone using a keyboard, a display screen and a modem.

TTY users are alerted to calls through a flashing light on or attached to the phone. Letters that the TTY user types into the machine are converted into electrical signals that can travel over regular telephone lines. When the signals reach their destination (in this

case another TTY) they are converted back into letters which appear on a display screen, or are printed out on paper.

Assisted listening devices often consist of microphones, wireless headphones, receivers and transmitters that amplify dialogue for persons with hearing loss. The amplified signal is delivered to the provided headphone or loop-set via an infrared transmitter. This technology is particularly useful during interviews and public meetings.

The nationally-recognized symbol for TTY and assisted listening devices will soon appear on the doors of the Division's administrative and regional offices to alert the public that services to accommodate the deaf, speech-impaired and hard of hearing are available. ▼

Division Opens Jersey City Office/ Fact Sheets Now Available in Arabic

Concerned that in the aftermath of the recent U.S. - Iraqi conflict law-abiding Arab-American residents were often the target of threats and harassment, the Division has opened an office in Jersey City – home to many of the state's estimated 250,000 Arab-Americans.

The office, which is staffed by an attorney, an investigator and clerical support, is located on the second floor of 574 Newark Avenue in office space loaned to the Division by the Hudson County Housing Resource Center. The new office is open each Wednesday, but the Division plans to increase office hours and staff within the year.

Visitors to the office can obtain fact sheets on state anti-discrimination laws printed in English, Spanish and Arabic. For more information go to www.NJCivilRights.org. ▼

AG Meets Interns



Attorney General Harvey and Chief of Staff Mariellen Dugan flanked by the Division's summer '03 student interns: Christine Buteas, Rowan University; Deena Novick, New York Law School; Justin Ben-Asher, Yale University and Paul Loza, Nutley High School.



Director Vespa-Papaleo honored Jesse Strauss, Esq. on May 8 with a proclamation recognizing his work as Chairman of the New Jersey State Bar Association's Labor and Employment Section.



Assistant Director Philip Freeman testified before the U.S. Commission on Civil Rights.

U.S. Civil Rights Commission Hears Presentation from Division

With concerns about voting rights and housing discrimination topping its list of priorities, the Chairperson of the U.S. Commission on Civil Rights' New Jersey Advisory Committee welcomed testimony from the Division on Civil Rights at its biannual meeting in Trenton.

"We have shared interests, but we work through different channels" said Leanna Brown, Chair of the Advisory Committee and a former State Senator. "Of course the significant difference is the Division on Civil Rights has enforcement authority, and we are strictly an advisory body."

Philip Freeman, Assistant Director of the Division's Bureau of Prevention and Community Relations, gave a presentation at the meeting on behalf of Director J. Frank Vespa-Papaleo.

In addition to outlining the Division's plans for a Special Unit to investigate housing discrimination complaints, Assistant Director Freeman also provided information on the Division's most recent accomplishments, including a \$25,000 settlement in a discrimination case involving a Nutley, NJ swim club; the expansion of fee-based training programs for employers; and, the Division's recent elimination of backlogged cases from 2002.

Ms. Brown said the biannual meetings serve to keep the Advisory Committee informed on specific cases undertaken by the Division.

"We have a very good rapport with the Division, and we can therefore refer people who may have a valid complaint. It's so important that people understand that there are agencies out there that will help them," said Brown. ▼

Orders To Show Cause Filed Against 163 Landlords

Utilizing one of its most effective tools to combat discriminatory practices by New Jersey landlords, the State filed "Orders To Show Cause" against 163 multiple-dwelling apartment owners who failed to report the race and ethnicity of their tenant populations.

Landlords who do not comply with the state's Multiple-Dwelling Reporting Rule (MDRR) are subject to fines of up to \$10,000 for the first offense, up to \$25,000 for the second offense, and up to \$50,000 for the third offense.

The MDRR obligates landlords with 25 or more housing units to submit by Jan. 31 an annual report to the Division on Civil Rights detailing the racial and ethnic composition of their housing applicants and leaseholders. The reports assist the Division in discerning potential patterns of housing discrimination, and include information on the degree of access apartment owners provide to persons with disabilities.

According to Director Vespa-Papaleo, as of the date of this publication, 101 of the 163 landlords have responded to the Orders to Show Cause and submitted MDDR reports for calendar year 2002. The other 62 landlords who have not complied will now be subject to penalty orders and, if necessary, fines.

"These reports are not optional for landlords. They are requirements," said Director Vespa-Papaleo. "Under Governor McGreevey and Attorney General Peter C. Harvey, the Division on Civil Rights will continue to be aggressive in investigating and prosecuting those who refuse to comply with laws designed to protect all New Jersey residents from discrimination."

The Director commended the vast majority of building owners who have complied with the law. Approximately 2,700 multiple-dwelling owners in New Jersey have complied with the law and filed reports in 2003. ▼

U.S. Supreme Court Upholds New Jersey's Position in Michigan Affirmative Action Case

In what was thought by many to be one of the most significant civil rights cases to come before the nation's highest court in more than two decades, the U.S. Supreme Court upheld in *Grutter v. Bollinger* the University of Michigan Law School's affirmative action program. However, in *Gratz v. Bollinger*, the Court struck down the University of Michigan's undergraduate affirmative action program.

The difference between the two was that the law school's admissions policy counted race as a factor, but not in a rigid or "mechanical" way, whereas the undergraduate program used a point system based in part on race.

In an *amicus curiae* brief submitted last February, New Jersey argued in support of affirmative action admissions programs, pointing to the benefits of such programs at New Jersey universities and colleges. New Jersey argued that admissions policies at many of the state's universities and colleges adhere to narrowly tailored guidelines set forth in *University of California v. Bakke*, 438 U.S. 265 (1978).

The result, according to New Jersey's argument, has been the promotion of diverse student communities that enhance the academic experience for all students without the use of quotas or two-track race-based programs found to be unconstitutional in *Bakke*. The Court's decision in *Grutter* essentially upheld New Jersey's position, which was that the diversity rationale set forth in *Bakke* was still compelling and valid.



Assistant Attorney General Jeffrey Burstein and Deputy Attorneys General Anne Marie Kelly and Donna Arons, of the Public Utilities and Civil Rights Section of the Division of Law, wrote the brief on behalf of the State of New Jersey. ▼

Editor's Note: Outreach staff would like to thank Robert Stoloff, AAG with the Division of Law, for contributing to the above article.

Assistant Attorney General Jeff Burstein and Deputy Attorney General Anne Marie Kelly helped write the State's amicus brief.

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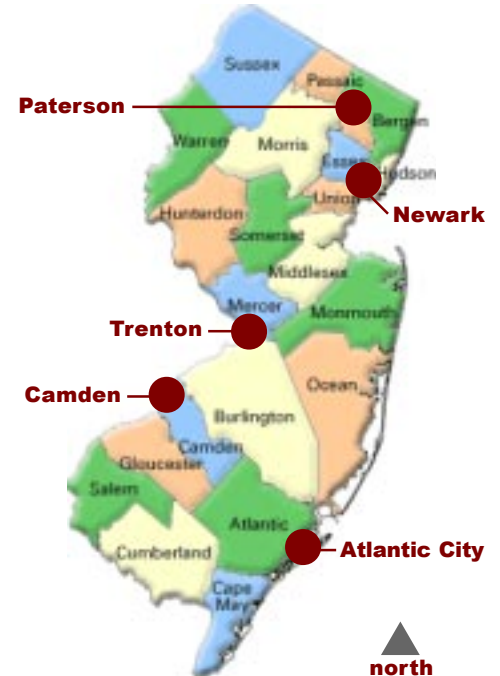
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